

HOUSE No. 4627

The Commonwealth of Massachusetts

Text of a further amendment (offered by Mr. Murphy of Burlington) to the Senate amendment of the House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4626). April 22, 2010.

The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

Text of a further amendment (offered by Mr. Murphy of Burlington) to the Senate amendment of the House Bill making appropriations for the fiscal year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4626). April 22, 2010.

SECTION 1. To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in said appropriation acts and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. The sums in said section 2 shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Division of Medical Assistance

4000-0600	\$107,107,510
4000-0700	\$92,829,490

Department of Public Health

14 4513-1020\$2,000,000

EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Office of the Secretary

15 7004-0101\$18,226,110

16 **SECTION 2A.** To provide for certain unanticipated obligations of the commonwealth, to
17 provide for an alteration of purpose for current appropriations, and to meet certain requirements of law,
18 the sums set forth in this section are hereby appropriated from the General Fund unless specifically
19 designated otherwise, for the several purposes and subject to the conditions specified in this section and
20 subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. The
21 sums shall be in addition to any amounts previously appropriated and made available for the purposes of
22 these items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

23 *Reserves*

24 1599-1027 For a reserve for reimbursement to certain employees of the
25 commonwealth for certain increases in health care cost-sharing
26 expenditures\$6,821,690

27
28 1599-4281 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
29 other economic benefits authorized by the collective bargaining
30 agreement between the commonwealth and the National Association of
31 Government Employees, and to meet the fiscal year 2010 costs of salary
32 adjustments and other economic benefits necessary to provide equal
33 adjustments and benefits to employees employed in confidential
34 positions which otherwise would be covered by that agreement;

35 provided, however, that the personnel administrator, with the approval of
36 the secretary of administration and finance, shall determine these
37 adjustments and benefits for the confidential employees in accordance
38 with the collective bargaining agreement then in effect which otherwise
39 would cover these positions; and provided further, the secretary may
40 transfer from the sum appropriated in this item to other items of
41 appropriation and allocation thereof for fiscal year 2010 amounts that are
42 necessary to meet these costs where amounts otherwise available are
43 insufficient for the purpose, in accordance with a transfer plan which
44 shall be filed in advance with the house and senate committees on ways
45 and means \$25,810

46

47 1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
48 other economic benefits authorized by the collective bargaining
49 agreement between the commonwealth and the Service Employees
50 International Union, Local 509, and to meet the fiscal year 2010 costs of
51 salary adjustments and other economic benefits necessary to provide
52 equal adjustments and benefits to employees employed in confidential
53 positions which otherwise would be covered by that agreement;
54 provided, however, that the personnel administrator, with the approval of
55 the secretary of administration and finance, shall determine these
56 adjustments and benefits for the confidential employees in accordance
57 with the collective bargaining agreement then in effect which otherwise
58 would cover these positions; and provided further, the secretary may
59 transfer from the sum appropriated in this item to other items of
60 appropriation and allocation thereof for fiscal year 2010 amounts that are

61 necessary to meet these costs where amounts otherwise available are
62 insufficient for the purpose, in accordance with a transfer plan which
63 shall be filed in advance with the house and senate committees on ways
64 and means\$1,912,542
65

66 1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
67 other economic benefits authorized by the collective bargaining
68 agreement between the commonwealth and the American Association of
69 Federal, State, County and Municipal Employees, Council 93, and to
70 meet the fiscal year 2010 costs of salary adjustments and other economic
71 benefits necessary to provide equal adjustments and benefits to
72 employees employed in confidential positions which otherwise would be
73 covered by that agreement; provided, however, that the personnel
74 administrator, with the approval of the secretary of administration and
75 finance, shall determine these adjustments and benefits for the
76 confidential employees in accordance with the collective bargaining
77 agreement then in effect which otherwise would cover these positions;
78 and provided further, the secretary may transfer from the sum
79 appropriated in this item to other items of appropriation and allocation
80 thereof for fiscal year 2010 amounts that are necessary to meet these
81 costs where amounts otherwise available are insufficient for the purpose,
82 in accordance with a transfer plan which shall be filed in advance with
83 the house and senate committees on ways and means\$21,137
84

85 1599-4284 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
86 other economic benefits authorized by the collective bargaining

87 agreement between the commonwealth and the Massachusetts
88 Organization of State Engineers and Scientists, Unit 9, and to meet the
89 fiscal year 2010 costs of salary adjustments and other economic benefits
90 necessary to provide equal adjustments and benefits to employees
91 employed in confidential positions which otherwise would be covered by
92 this agreement; provided, however, that the personnel administrator, with
93 the approval of the secretary of administration and finance, shall
94 determine these adjustments and benefits for the confidential employees
95 in accordance with the collective bargaining agreement then in effect
96 which otherwise would cover these positions; and provided further, that
97 the secretary may transfer from the sum appropriated in this item to other
98 items of appropriation and allocations thereof for fiscal year 2010
99 amounts that are necessary to meet these costs where the amounts
100 otherwise available are insufficient for the purpose, in accordance with a
101 transfer plan which shall be filed in advance with the house and senate
102 committees on ways and means \$12,788

103

104 1599-4285 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
105 other economic benefits authorized by the collective bargaining
106 agreement between the State Lottery Commission and the Service
107 Employees International Union, Local 888, and to meet the fiscal year
108 2010 costs of salary adjustments and other economic benefits necessary
109 to provide equal adjustments and benefits to employees employed in
110 confidential positions which otherwise would be covered by this
111 agreement; provided, however, that the personnel administrator, with the
112 approval of the secretary of administration and finance, shall determine

113 these adjustments and benefits for the confidential employees in
114 accordance with the collective bargaining agreement then in effect which
115 otherwise would cover these positions; and provided further, that the
116 secretary may transfer from the sum appropriated in this item to other
117 items of appropriation and allocations thereof for fiscal year 2010
118 amounts that are necessary to meet these costs where the amounts
119 otherwise available are insufficient for the purpose, in accordance with a
120 transfer plan which shall be filed in advance with the house and senate
121 committees on ways and means \$944

122

123 1599-4286 For a reserve to meet the fiscal year 2010 costs of salary adjustments and
124 other economic benefits authorized by the collective bargaining
125 agreement between the commonwealth and the Berkshire Registries of
126 Deeds – Service Employees International Union, Local 888; Essex
127 North/South Registry of Deeds – American Association of Federal, State,
128 County and Municipal Employees, Council 653; Hampden Registry of
129 Deeds – Office of Professional Employees International Union, Local 6;
130 Middlesex South Registry of Deeds – Office of Professional Employees
131 International Union, Local 6; Suffolk Registry of Deeds – Service
132 Employees International Union, Local 888; Worcester North Registry of
133 Deeds – Service Employees International Union, Local 888 and to meet
134 the fiscal year 2010 costs of salary adjustments and other economic
135 benefits necessary to provide equal adjustments and benefits to
136 employees employed in confidential positions which otherwise would be
137 covered by this agreement; provided, however, that the personnel
138 administrator, with the approval of the secretary of administration and

139 finance, shall determine these adjustments and benefits for the
140 confidential employees in accordance with the collective bargaining
141 agreement then in effect which otherwise would cover these positions;
142 and provided further, that the secretary may transfer from the sum
143 appropriated in this item to other items of appropriation and allocations
144 thereof for fiscal year 2010 amounts that are necessary to meet these
145 costs where the amounts otherwise available are insufficient for the
146 purpose, in accordance with a transfer plan which shall be filed in
147 advance with the house and senate committees on ways and means
148 \$275

SECRETARY OF THE COMMONWEALTH

Office of the Secretary of the Commonwealth

151 0521-0010 For reimbursements to municipalities for costs associated with the statewide
152 election to fill the United States Senate seat on January 19, 2010;
153 provided, that the Secretary of State shall only reimburse the
154 municipalities for costs that have previously been certified by the
155 Division of Local Mandates within the Office of the State Auditor, and
156 provided further that any unexpended funds from this item shall be made
157 available in fiscal year 2011 \$6,340,941

159 **SECTION 3.** Section 35T of chapter 10 of the General Laws, as appearing in the 2008 Official
160 Edition, is hereby amended by inserting after the word “revenues”, in line 17, the following words:- or the
161 inflation index.

SECTION 4. Item 0699-0015 of section 2 of chapter 27 of the acts of 2009 is hereby amended by striking out the figure “\$1,804,013,573” and inserting in place thereof the following figure:- \$1,799,564,198.

SECTION 5. Said section 2 of said chapter 27 is hereby further amended by striking out item 0699-0016.

SECTION 6. Item 0699-2004 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$91,719,000” and inserting in place thereof the following figure:- \$82,980,442.

SECTION 7. Item 1108-5400 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$77,844,056” and inserting in place thereof the following figure:- \$76,129,566.

SECTION 8. Item 1599-1030 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$2,263,600” and inserting in place thereof the following figure:- \$963,600.

SECTION 9. Item 4000-0300 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$95,375,349” and inserting in place thereof the following figure:- \$94,825,349

SECTION 10. Item 4590-0915 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$137,664,607” and inserting in place thereof the following figure:- \$137,314,607

SECTION 11. Item 4800-0041 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$223,569,417” and inserting in place thereof the following figure:- \$220,569,417

SECTION 12. Item 7061-9010 of said section 2 of said chapter 27 is hereby amended by striking out the figure “\$79,751,579” and inserting in place thereof the following figure:- \$75,251,579.

SECTION 13. Item 8000-0036 of section 2C.I of chapter 120 of the acts of 2009 is hereby amended by striking out the figure “\$3,569,361” and inserting in place thereof the following figure:- \$569,361.

SECTION 14. Chapter 167 of the acts of 2009 is hereby amended by striking out sections 16 to 23, inclusive, and inserting in place thereof the following 8 sections:-

Section 16. Notwithstanding section 2 of chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay all premiums received pursuant to said section 2 of said chapter 128C to the Racing Stabilization Fund established in section 20.

Section 17. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county and otherwise dedicated to purse accounts at the licensees or to be distributed to breeders' associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund established in section 20.

Section 18. Notwithstanding chapters 128A and 128C of the General Laws or any other general or special law or rule or regulation to the contrary, amounts from unclaimed winnings and breaks generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing Stabilization Fund established in section 20.

Section 19. Notwithstanding any general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the acts of 2001.

Section 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the undersecretary for consumer affairs and business regulation within the executive office of housing and economic development. The fund shall consist of all revenues dedicated pursuant to this act. In fiscal year 2010, the undersecretary shall transfer from the fund an amount not less than \$300,000 to the department of public health for a compulsive

208 gamblers' treatment program. Not more than \$300,000 may be expended to assist efforts to secure
209 alternative employment and retraining opportunities for displaced workers impacted by the passage of
210 chapter 388 of the acts of 2008. The state racing commission, or a successor agency, shall report to the
211 undersecretary, the executive office for administration and finance and the house and senate committees
212 on ways and means not later than the last day of each month, of the projected program revenue, program
213 expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event
214 of a deficit, the undersecretary may transfer from the fund an amount not to exceed \$100,000 for the
215 operating costs of the commission. Any balance in the fund at the end of the fiscal year shall not revert to
216 the General Fund; provided, however, that the undersecretary shall distribute to owners and lessees of
217 greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of
218 those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each racing meeting
219 licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a
220 host track from outside the commonwealth; provided, however, that before any such amount is
221 distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an
222 equitable manner among dog owners. The undersecretary shall distribute to kennel owners who housed
223 greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of
224 those greyhound dogs, a sum equal to 1.5 per cent of the total amount wagered at each racing meeting
225 licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a
226 host track from outside commonwealth; provided, however, that before any amount is distributed, the
227 undersecretary shall develop a method and criteria by which to distribute such funds in an equitable
228 manner among kennel owners; and provided further, the undersecretary shall begin payments to kennel
229 owners in January 2010. Such payments shall be paid on a biweekly basis beginning on January 4, 2010.

230 Section 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any other general
231 or special law or rule or regulation to the contrary, on January 1, 2010, the comptroller shall transfer all
232 monies deposited in the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional

Trust Fund, each established under said section 12A of said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1, 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing Stabilization Fund within 10 days after receipt of those revenues.

Section 22. Notwithstanding any general or special law to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall report monthly to the state racing commission, or a successor agency, on their net and gross revenue, including an itemization of premiums received, fees received and any amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund. The report shall include the number of part-time and full-time staff employed by the licensees at the close of the previous month. The report shall also include the total amount of premiums paid to the harness horse meeting licensees located in Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file the report on the tenth day of each month shall be cause for suspension of the greyhound meeting license. The state racing commission, or a successor agency, shall forward all such reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development. The greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall also prepare a report of all funds received and disbursed for calendar years 2008 and 2009. The report shall also be filed with the state racing commission, or a successor agency, not later than June 30, 2010, and the state racing commission shall forward the reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development.

Section 23. Notwithstanding any general or special law, rule or regulation to the contrary, monies in the Racing Stabilization Fund established in section 20 may be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the enactment of

chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted; provided further, that state funds shall be distributed in accordance with section 20 provided further, that the secretary of labor and workforce development shall develop a plan to implement this section and submit a copy of the plan to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development not later than July 31, 2010.

SECTION 15. Notwithstanding any general or special law to the contrary, the comptroller shall not make the transfer of funds to the Central Artery and Statewide Road and Bridge Infrastructure Fund for fiscal year 2009 as otherwise required by section 63 of chapter 10 of the General Laws, section 33 of chapter 90 of the General Laws and section 15 of chapter 87 of the acts of 2000 as amended by section 9 of chapter 125 of the acts of 2000 and as further amended by section 23 of chapter 140 of the acts of 2007.

SECTION 16. Notwithstanding any general or special law to the contrary, the secretary of health and human services, with the written approval of the secretary of administration and finance, may authorize transfers from items 4000-0430, 4000-0700, 4000-0870, 4000-0875, 4000-0880, 4000-0890, 4000-0895, 4000-0990, 4000-1400, 4000-1405 and 4000-1420 of section 2 of chapter 27 of the acts of 2009 to items 4000-0500 and 4000-0600 of said section 2 for the purpose of reducing any deficiency in item 4000-0500 or 4000-0600; provided, however, that any such transfer shall take place not later than August 31, 2010; and provided further, that the secretary of health and human services, in conjunction with the secretary of administration and finance, shall notify the house and senate committees on ways and means in writing within 30 days of any such transfer.

281 **SECTION 17.** Notwithstanding any general or special law to the contrary, the amount to be
282 transferred from the Commonwealth Transportation Fund to the Massachusetts Transportation Trust Fund
283 pursuant to section 156 of chapter 25 of the acts of 2009 shall not exceed \$132,946,908 for fiscal year
284 2010 unless the secretary of administration and finance requests in writing that the comptroller increase
285 that amount based on the availability of funds in the Commonwealth Transportation Fund. The
286 comptroller shall transfer not later than June 30, 2010, the remaining balance in the Commonwealth
287 Transportation Fund to the General Fund to cover transportation-related expenses made from the General
288 Fund appropriations during fiscal year 2010.

289 **SECTION 18.** Section 3 shall apply to the comptroller's certification as required in
290 subsection (b) of section 35T of chapter 10 of the General Laws, beginning March 1, 2010.